

Your Honor,

Ms. Dawn Cuccolo has been my tenant at 637 Windflower Court in Morganville NJ since 3/2018; her lease expired in 3/2019 and she has been renting month-to month since then. I was an excellent landlord and I always had everything repaired expeditiously as requested by Ms. Cuccolo. In 4/2022, I told her via email, phone calls and texts, that I am selling the Condominium. I advised her to look for a new place to live and she acknowledged this.

A contract to buy my condo was signed on 6/2/2022. It was then inspected by both estate agents and the buyers property inspector and was noted by all of them be in disrepair, unkempt, filthy and many items were broken including battered walls, ruined carpeting, a missing screen door, closet & cabinet doors as well as many other problems. She also had multiple cats that she was not allowed to have based on the lease.

Me, my attorney and my broker requested numerous times that Ms. Cuccolo allow my repairman in to fix the broken items so I can get a Certificate Of Occupancy (COO) to allow me to pass township inspection allowing me to sell the property. Unfortunately, she refused to let my repairman into the condo on numerous occasions and everything remains broken. My attorney Johnathan Ellis contacted Ms. Cuccolo's attorney Christine McGuire on numerous occasions. Ms. McGuire rarely responded, and when she did; it was not timely, and she evaded the issue. They would not give us answers to questions with regard to the condo repairs or Ms. Cuccolo's moving out status. There has not been a resolution yet.

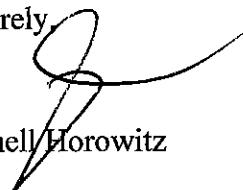
Ms. Cuccolo stopped returning my calls, emails and texts since mid-June 2022. Therefore, my attorney sent her a 60-day notice to Vacate dated 6/14/2022. This notice was sent in certified mail but she refused to sign for the letter numerous times (see pics). Then, this notice was dropped off at her front door by my attorneys associate. I also personally handed it to her daughter inside the property and left it on her table (see pics). Ms. Cuccolo also refused to allow the mandated safety inspection by the State of NJ to take place. She ignored all mine, and my attorney's communications.

I decided to sell my condominium because I needed to raise money for numerous reasons. First of all, I became officially disabled in 10/2022 with bad lung disease; I do not have a work income or a pension. Also, and unfortunately, my 30-year-old son was diagnosed with a very rare & extensive sinus cancer in 3/2022. He had multiple surgeries and complications since, and then he had 2 months of radiation to his skull and chemotherapy. He had a rocky road to say the least both mentally & physically. I have been helping him emotionally and financially for daily living expenses and for bills since then.

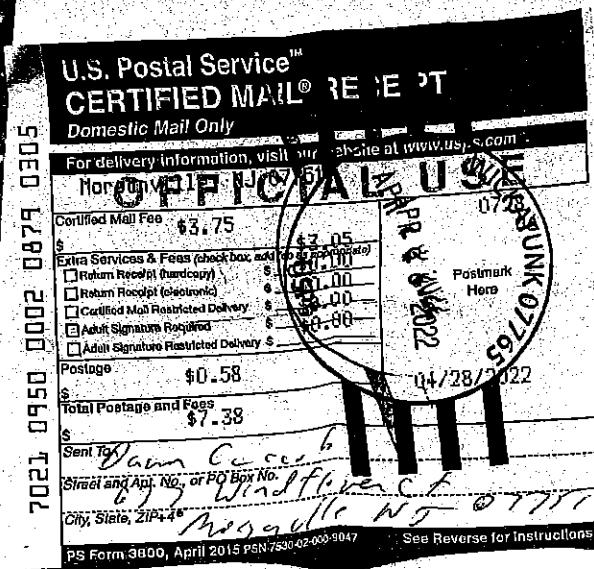
Ms. Cuccolo has a good paying stable job. Since she moved in, in 2018, I have been extremely good to her as a landlord. *I did not raise her rent in 4 years* because I'm a compassionate and empathetic person. Obviously, she did not take this into consideration when I requested that she move out. Ms. Cuccolo has been paying me about \$700 a month below the current rental market for a few years and has also refused to pay the rental increase I requested in 4/2022. The rental increase was supposed to start on 7/2022 after the appropriate notice was communicated to her by calls and certified mail which she refused to sign for on numerous occasions.

Your honor, I do not know where I stand with Ms. Cuccolo because she and her attorney do not communicate with me or with my attorney. With all due respect, I am requesting that you allow me to evict her because I have no other options at this point. The condo is under contract and basically sold. I need to raise money for my living expenses including my car, house mortgage, insurances, food, etc. Thanks for your time and understanding.

Sincerely,



Mitchell Horowitz



A standard linear barcode is positioned vertically on the right side of the page. It consists of vertical black bars of varying widths on a white background.

The logo consists of the words "UNITED STATES POSTAL SERVICE" stacked vertically next to a stylized eagle holding an envelope.

10

U.S. POSTAGE  
FCM LETTER  
WICKATUNK,  
07765  
APR 28 22  
AMOUNT

Refused Letter	
4/30/22 5/5, 5/15	
 <b>UNITED STATES POSTAL SERVICE.</b>	
WICKENBANK JR S. MAIL ROUTE - 19 WICKENBANK, NJ 07768-2998	
04/26	2022
First-Class Mail Letter	
N.J. 07768-2998 Weight: 1 lb. 10 oz Estimated Delivery Date Set 04/26/2022	
Certified Mail Tracking #: 70210950000208790312	
Return Receipt Tracking #: 9590 9402 6831 1074 4848 42	
Total	\$7.38

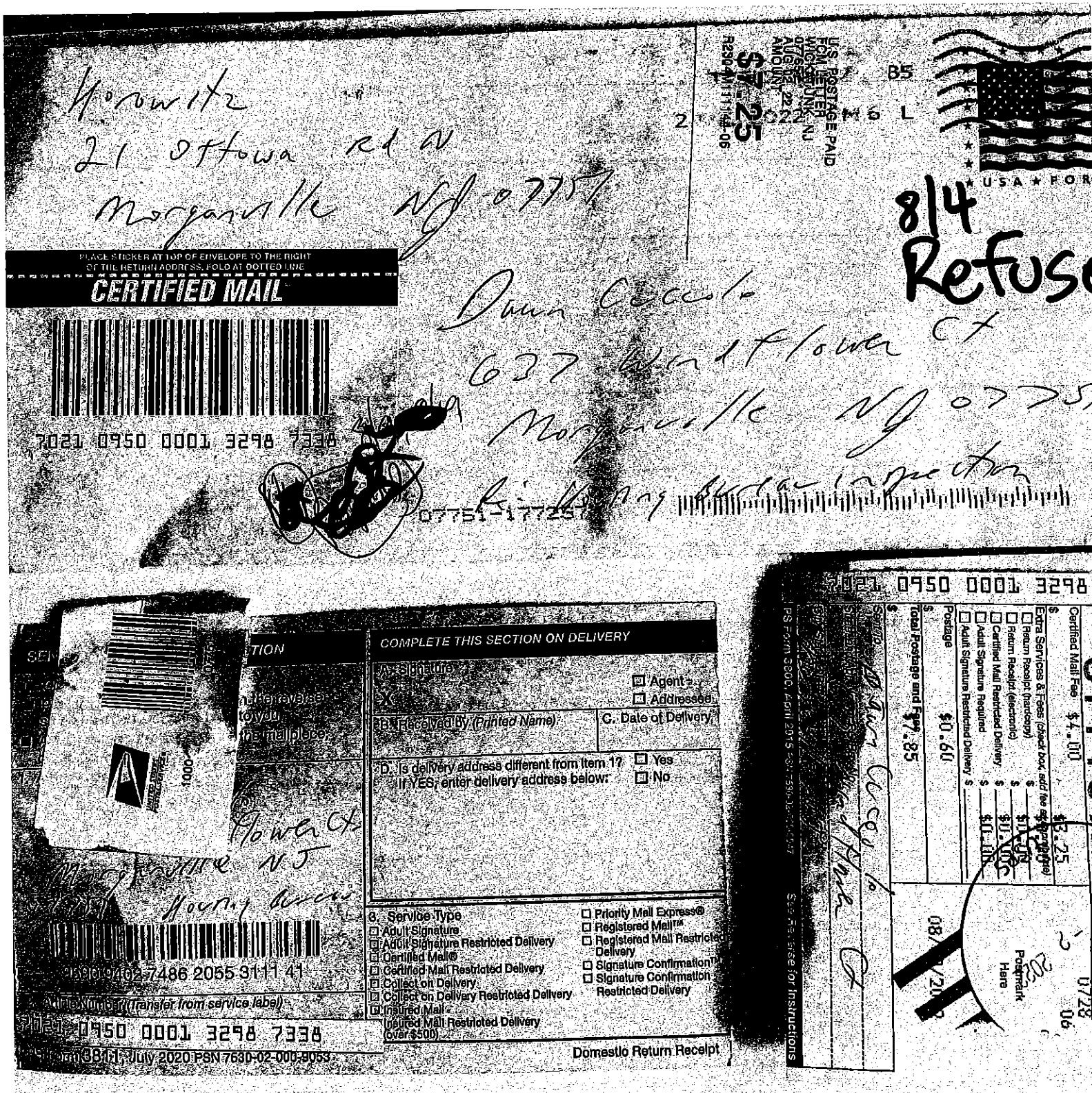
Dawn Cucco

UN 430 637 Windflower CR  
Morgan Hill, NJ 07251

515 NIXIE 075 SE 1 7205/2

0775511348 BC: 07751134821 \* 0951-01345-  
077251-172237

She referred to Pgs for  
this generous time



# Mitchell L. Horowitz

21 Ottawa Road North ~ Morganville, NJ ~ 07751  
(732) 915-0217 ~ Mitchocon@aol.com

4/23/22

Re: Your Rental property rent at 637 Windflower court, Morganville NJ.

As per our telephone conversation, texts, emails and certified mail:

Dear Ms. Cuccolo,

Sorry, but I am increasing the rent to \$2,900/month as of 7/01/2022. Your Rental Agreement/Lease was from 3/2018 - 3/2019. Since then, you been renting month-to-month for \$2,265/month. Since 3/2019, my monthly condo fees rose \$32/month & taxes went up by \$257. My cost for American Home Shield appliance warranty rose by about \$25/month. These prices do not include inflation.

Additionally, your current rental fee is about \$700 below the current market rental prices of about \$3,000/month for a 3BR, 3BR, 1,700 sq. ft. condo in Marlboro Township. This info is based on rental process at Zillow and Realtor.com.

Sincerely,

  
Mitchell L. Horowitz

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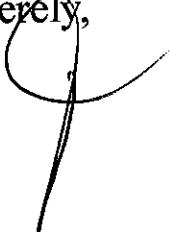
4/28/22

As per our telephone conversation on 4/27/21 and email:

Sorry, but I am selling my property that you are renting at 637 Windflower court, Morganville NJ. You have been renting there since 2018.

My friend, Vennie Zamarra, will be coming to meet you and discuss this issue. She told me that she already left you a voice and text message and she arranged to meet with you on 4/29/22. She will most likely take interior photos and ask to place a lock box, so real estate brokers can show the place to prospective buyers. Please comply with her requests!

Sincerely,



Mitchell L. Horowitz

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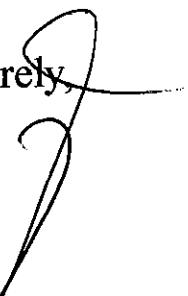
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Sincerely,

  
Mitchell L. Horowitz

**Liberty Home Inspectors, LLC**

Inspector, Steven Cmielewski

06/04/2022

637 Windflower Ct. ~ Morganville, NJ 07751

**Shower Walls**

86: The joint caulking in and around the shower has mildewed. The joints should be scraped clean, chemically treated, and recaulked for a better appearance and to prevent moisture penetration into the surrounding materials and subsequent damage.

**Cabinets**

87: Cabinet hinges are faulty or loose. We recommend they be repaired or replaced

**Bedroom Closet Doors**

107: One or more doors have been removed. We recommend that doors be installed in all necessary openings and checked for proper operation.

**Kitchen Fixtures**

110: The faucet handles are defective. We recommend they be replaced.

115: The countertop has swollen in the area near the sink as a result of water penetration. We recommend repair or replacement.

Dishwasher 117: The dishwasher failed to respond using normal operating controls. We recommend that the serviceability of this unit be verified, and that it be repaired or replaced if necessary.

**Living room doors**

122: The sliding door handle is missing or damaged. We recommend repair if possible, but in some cases, parts are no longer available for doors of this type. An experienced technician may be able to adapt other part to restore function.

# Mitchell L. Horowitz

21 Ottawa Road North ~ Morganville, NJ ~ 07751  
(732) 915-0217 ~ Mitchocon@aol.com

6/4/22, revised 8/30/22

**RE: Bills owed to owner Mitchell Horowitz by tenant Dawn Cuccolo per Rental Lease agreement of 637 Windflower court from 3/2018 – 9/2022. She has been renting month-to month since 3/2019.**

**Re: Landlord:** Mitchell Horowitz; owner of 637 Windflower Ct. Morganville, NJ

**To: Tenant:** Dawn Cuccolo renting 637 windflower court, Morganville NJ.

**Dear Ms. Cuccolo**

**The following bills are your responsibility for services, parts and or labor repairs as outlined in the lease agreement you signed in 3/2018. The repairs are for services, to purchase products you broke and for repairman's charge since 3/2018. Additionally, money is owed from the increase in rent as outlined below since 7/2022.**

**From Community Management (manager of Pt. De Jardin where tenant rents)**

Excess Snow removal: \$87.37 each time: 6/1/21, 7/1/21, 8/1/21:	\$262
Special assessment (snow removal): 8/1/18, 9/1/18, 6/1/22: \$66.67 each time:	\$199
Dryer Duct cleaning: Scrub-a duct: 2/7/17 & 4/20/18 @ \$90.60 each:	\$181
Dryer Duct cleaning, AA Chimney service 4/27/22:	<u>\$68</u>
	<b>Sub-total \$710</b>

**Repairs by American Home Shields repairmen: \$106/visit**

3/10/18: Washer/Dryer repair by Appliance Plus	\$106
8/14/18: Dishwasher repair	\$106
11/2/19: Clothes dryer repair	\$106
5/24/19: Air Conditioning repair by Central Jersey Heating and Cooling	\$106
	<b>Sub-total \$424</b>

**Damages by tenant per home inspection ( in lease line # 13); estimated prices:**

Front screen door missing / replacement:	\$250
Handyman fee to replace Screen door:	\$150
Ace Home Improvements: Replace damaged front window glass:	\$410
Dish washer repair estimate for broken dishwasher:	\$175
Filthy Carpet: professional stretching, cleaning & repairs:	\$350
Countertop damage repair around kitchen sink :	\$400

**Sub-total: \$1,735**

**Damages by tenant (lease #13 & # 45, 1430b, 130e), estimated prices**

Master Bathroom cabinet repair:	\$150
Broken Kitchen faucet parts & repair:	\$200
Sliding door lock and handle broken in den:	\$150
Cleaning service for filthy condominium:	\$200
Airduct cleaning service for Cats she was not supposed to have:	\$400
Damaged & Dirty Walls require Painting & Spackling, etc	\$2,000

**Sub-total: \$3,100**

**Monthly rental increase request in certified letter dated 4/23/22; sent to Ms. Cuccolo from post office on 4/28/22. Finally delivered to tenant on 5/27/22 after she refused to sign on multiple prior occasions. The monthly rent was increased from 2,265 to \$2900/month starting 7/1/22 as outlined in the letter mailed to her. This rental fee is in-line with the current market rental fees of similar properties in Zillow and realty.com.**

**Rental increase owed/month**

7/2022: \$635  
8/2022: \$635  
9/2022: \$635

**Sub Total: \$1,905**

**Total due from Tenant: \$7,874**

## State Of New Jersey

# LEASE TERMINATION

### 60-Day Notice to Vacate

June 7, 2022

To: Dawn Cuccolo  
637 Windflower Court  
Morganville, NJ 07751

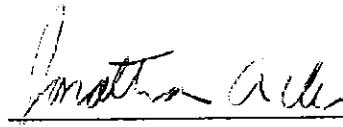
Rental Address: 637 Windflower Court, Morganville, NJ 07751

**YOU ARE HEREBY NOTIFIED THAT**, under the terms of:

Your original Lease Agreement dated 03/01/2018, expiring the following year on 03/01/2019, and continued on a month-to-month tenancy as of the 1<sup>st</sup> of each month since that time,

**WILL BE TERMINATED IN SIXTY (60) DAYS FROM THE 1<sup>st</sup> OF THE MONTH FOLLOWING THE DATE OF DELIVERY OF THIS NOTICE. You therefore must deliver possession of the premises on such date. The property is under contract to be sold, and the terms of the contract as negotiated with the Buyer requires the property be clear of tenants on the date of closing.** Accordingly, you are further notified that unless you vacate the premises by such date, legal action may be initiated against you.

THIS NOTICE IS PROVIDED TO YOU IN ACCORDANCE WITH THE LEASE AND NEW JERSEY STATUTES 2A:18-56 AND 2A:18-61.1. NOTHING IN THIS NOTICE IS INTENDED OR SHALL BE CONSTRUED AS A WAIVER BY THE LANDLORD OF ANY RIGHTS OR REMEDIES THE LANDLORD MAY HAVE UNDER THE LEASE OR UNDER STATE OR FEDERAL LAW.

  
Dated: June 14, 2022

*Landlord's Contact Information:*

Name: Mitchell Horowitz  
Address: 21 Ottowa Rd North, Morganville NJ 07751  
Phone: (732) 915-0217